



Dear [REDACTED]

Freedom of Information – Notice of Decision

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the FOI Act), received by the City and Environment Directorate (CED) on 10 October 2025. In an email dated 31 October 2025, you amended the scope of your application as follows:

The contents of the following ministerial briefs (in relation to CED FOI 25-043):

1. 25/0197181 - Caveat Brief - Cheyne - Drivers Licence for the homeless
2. 25/0200112 - Ministerial Brief - Steel - Proposed action against builder licensees who have provided fraudulent certificates
3. 25/0204653 - Caveat Brief - Cheyne - Garema Place upgrades - Via Dolce update
4. 25/0243476 - Ministerial Brief - Minister Steel - Construction licence action against certifier
5. 25/0263556 - Ministerial Brief - Minister Berry - Standing in Solidarity Fight Night
6. COO - MIN C2025/00572 - Minister Brief - Accountability indicator survey results
7. 2025COO - MIN S2025/00553 - Minister Brief - Minister Steel - Accountability Indicator Review (Revised) for 2025-26
8. CS - MIN B2025/00657 - Minister Brief - Minister Berry to meet with Eastlakes Football Club - Wed, 04 June - 10.00-10.30
9. CS - MIN B2025/00907 - Meeting Brief - Minister Berry to meet with Eastlake Football Club - Tues, 12 Aug - 12:30-1:30pm
10. CS - MIN C2025/00033 - Minister Brief - Circular Economy Strategy and Action Plan Progress Report 2023-24.

Timeframes

In accordance with section 40 of the FOI Act, CED was required to provide a decision on your access application within 30 working days. As this matter required third party consultation, the decision due date was extended by 15 working days, in accordance with section 40(2) of the FOI Act. The Information Access team sought an extension until 21 January 2026 in accordance with section 41 of the FOI Act.

Authority

I am an Information Officer appointed by the Director-General of the City and Environment Directorate under section 18 of the FOI Act to deal with access applications made under Part 5 of the FOI Act.

Decision on access

A search for CED records has been completed and 10 records within the scope of your application have been identified. The records are listed in the schedule at **Attachment A**.

I have decided to:

- grant **full** access to 2 records.
- grant **partial** access to 8 records.

The reasons for my decision are detailed in the statement of reasons section below. The records being released to you are provided at **Attachment B** with redactions applied to any information contrary to the public interest to release.

Statement of reasons

The FOI Act has a pro-disclosure bias, which requires information to be disclosed unless doing so would be contrary to the public interest. As an Information Officer, I am responsible for determining whether disclosure of the information within the scope of your application would be contrary to the public interest.

My assessment begins with Schedule 1 of the FOI Act, which outlines categories of information that are taken to be contrary to the public interest to disclose. If the information does not fall within any of these categories, I must then apply the public interest test under section 17 of the FOI Act. This test involves weighing the factors favouring disclosure against those favouring nondisclosure, as set out in Schedule 2.

In reaching my access decisions, I have taken the following into account:

- the FOI Act
- the information that falls within the scope of your application
- the views of third parties consulted
- the *Human Rights Act 2004*
- the ACT Ombudsman FOI Guidelines

I confirm that I have not considered any of the factors listed in section 17(2) of the FOI Act, which outlines a list of considerations that must not be taken into account when applying the public interest test.

Schedule 1 – Information taken to be contrary to the public interest

- *Section 1.2 - Information subject to legal professional privilege.*
- *Section 1.6 - Cabinet Information.*
- *Section 1.14 - Law enforcement or public safety information.*

One document contains some information that would be privileged from production or admission into evidence in a legal proceeding on the ground of legal professional privilege. Disclosure of this information is taken to be contrary to the public interest.

One document contains Cabinet information. Information that is intended to be submitted to Cabinet for consideration or would reveal the deliberations of Cabinet has been redacted where disclosure would be contrary to the public interest by undermining the confidentiality of the Cabinet process.

One document contains information about an ongoing compliance matter investigation. I have given particular consideration to Schedule 1, sections 1.14(1)(a) and 1.14(1)(e) of the FOI Act. It is important that investigations into compliance matters can occur without undue interference. Such matters may lead to legal proceedings, and disclosure of the information at this stage could reasonably be expected to prejudice the investigation of a contravention or possible contravention of the law. In addition, premature disclosure could reasonably be expected to prejudice a person's right to a fair trial or the impartial adjudication of a matter before a court or tribunal. I find that schedule 1, section 1.14 applies in this case, and as such disclosure of the information is taken to be contrary to the public interest.

Schedule 2 – Public interest test

Factors favouring disclosure (Schedule 2.1)

- *Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability.*
- *Section 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest.*
- *Section 2.1(a)(iii) - inform the community of the government's operations, including policies, guidelines and codes of conduct followed followed by the government in its dealings with members of the community.*
- *Section 2.1(a)(iv) - ensure effective oversight of expenditure of public funds.*
- *Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.*

Some of the information within scope of the application provides context to current government programs, decision and other matters of public interest. I have considered that the disclosure of some of this information would likely inform the community of the government's operations and could reveal the reason for a government decision as well as the background or contextual information underpinning those decisions.

I have also considered that some of the information relevant to your application relates to the management of government expenditure by agencies (including Budget initiatives). This information is of public interest, and its disclosure is likely to contribute to open discussion of public affairs. In addition, the release of financial information increases transparency and supports effective oversight of public funds more broadly.

I find that disclosure of this information is likely to advance the public interest. I therefore attribute moderate weight to the factors favouring disclosure.

Factors favouring nondisclosure (Schedule 2.2)

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*
- *Section 2.2(a)(ix) - prejudice the flow of information to the police or another law enforcement or regulatory agency.*
- *Section 2.2(a)(x) - prejudice intergovernmental relations.*
- *Section 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person.*
- *Section 2.2(a)(xii) - prejudice an agency's ability to obtain confidential information.*
- *Section 2.2(a)(xiii) - prejudice the competitive commercial activities of an agency.*
- *Section 2.2(a)(xvi) - prejudice a deliberative process of government.*

Four documents contain personal information, including the names and contact details of members of the community, the mobile numbers of CED employees and sensitive information about a sole trader. I have considered that this personal information has been provided to CED with the expectation that it would be handled in accordance with published privacy statements and policies. I consider that this information is not readily available to the public and has not otherwise been disclosed by CED.

I have extended this consideration to the mobile numbers of ACT Government employees, which are either personal phone numbers or provided to staff for a specific reason. Where the number is provided by CED, the use of the phone is for agreed purposes with limitations on calls outside of business hours and disclosure of these contact numbers is likely to prejudice the personal privacy of employees and their right to disconnect. As such, I find that the disclosure of this information would prejudice their right to privacy under the Human Rights Act 2004. I find that the likelihood of disclosure prejudicing the protection of an individual's right to privacy is significant, and as such attribute significant weight to schedule 2.2, section 2.2(a)(ii).

One document contains information regarding an ongoing investigation. I consider that the disclosure of this information at this time could reasonably be expected to prejudice a deliberative process of government. This document also contains information that could reasonably be expected to prejudice intergovernmental relations. Disclosure may prejudice these relations due to the nature of the information or the circumstances in which it was provided to the ACT government. This includes information that was obtained in confidence, where, release may damage the relationship between the ACT Government and the Commonwealth, particularly as the matter remains. In this instance, I have applied significant weight to these factors.

Four documents contain information relating to the business affairs of third parties. Under schedule 2 section 2.2(a)(ix), the FOI Act provides that information may be withheld if disclosure could prejudice the flow of information to a regulatory entity. Schedule 2 section 2.2(a)(xi) further provides that information may be withheld if disclosure could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person.

Businesses working with CED have a reasonable expectation that their business affairs will not be prejudiced through their cooperation with regulatory activities. Businesses provide their information to government authorities in good faith and if confidentiality is not maintained businesses may be prejudiced and be less willing to participate in future exercises. However, I also acknowledge that businesses that provide information to government do so with the knowledge that government-held information may be subject to an access application made under Freedom of Information legislation. I have afforded moderate weight to these factors.

One document contains the cost of a contracted service. This information is not published on the government's contract register as it is not a notifiable contract. Making this information publicly available would place the agency at a commercial disadvantage in future procurement processes by undermining its ability to negotiate competitive rates and could also adversely affect its bargaining position with existing or prospective suppliers. On this basis, I am satisfied that the information is commercially sensitive and that its disclosure would prejudice the agency's competitive commercial activities.

Two documents contain information relating to current negotiations between the ACT Government and a third party, including details of their commercial activities. This information reflects private discussions and early negotiation positions. I have considered how the public interest would be advanced by releasing this information in part or in whole.

It is my view that the information if disclosed could reasonably be expected to prejudice the competitive commercial activities of an agency and a deliberative process of government. I have applied significant weight to these factors.

Balancing the factors

In balancing the factors favouring disclosure against those favouring nondisclosure, I have carefully considered the public interest in promoting transparency, accountability and informed public debate. I acknowledge that disclosure of certain information would advance these interests, particularly where it relates to the government's operations, expenditure and the context surrounding government decisions.

However, I must also consider the strong public interest in protecting personal privacy, preserving the integrity of ongoing investigations and deliberative processes, maintaining cooperative intergovernmental relationships and safeguarding the legitimate business affairs of third parties. In several instances, the likelihood and degree of prejudice that could result from disclosure is significant.

On balance, I find that in the circumstances of this matter, the factors against disclosure carry greater weight than the factors favouring disclosure for the relevant information. As such, I have decided to withhold the information where the public interest against disclosure outweighs the public interest in favour of release.

Consistent with the pro-disclosure intent of the FOI Act, I am satisfied that redacting only the information that is contrary to the public interest ensures compliance with the FOI Act while still providing access to the majority of the information held by CED within the scope of your application.

Charges

Processing charges are not applicable for this application because the fee has been waived in accordance with section 107 of the FOI Act.

Online publishing – Disclosure Log

Under section 28 of the FOI Act, CED maintains a disclosure log, which is a public record of access applications and decisions. Your original access application and my decision will be published on the CED disclosure log. Your personal contact details will not be published.

ACT Ombudsman Review

My decision on your access application is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek ACT Ombudsman review of this outcome under section 73 of the FOI Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the ACT Ombudsman. If you wish to request a review of my decision, you may write to the ACT Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the FOI Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<https://www.acat.act.gov.au/>

Please contact the CED Information Access team if you have any queries in relation to your application via 6207 2987 or CEDFOI@act.gov.au.

Yours sincerely

Signed electronically

Craig Weller
Information Officer
City and Environment Directorate
21 January 2026